



Nez Perce

TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

NOTICE

AMENDMENTS TO THE NEZ PERCE TRIBAL CODE

This notice is being posted February 28, 2018, according to the Nez Perce Tribal Code § 1-4-2 to request written comments for the following proposed amendments (see attached):

Amend the Forest Product Harvesting Permit Policy

STATEMENT OF PURPOSE: there is a need to update the Tribe's Forest Product Harvesting Permit Policy to replace the permit requirement with the requirement of a Nez Perce Tribal ID. The proposed amendments are based on comments received from the tribal community.

WRITTEN COMMENT PERIOD:

The Law and Order & Intergovernmental Affairs Subcommittee will be accepting written comments on the proposed amendment being applied to the Code. Please submit written comments to: Shannon Wheeler, Chair, Law and Order Subcommittee, P.O. Box 305, Lapwai, ID, 83540; email to shannonw@nezperce.org, fax to (208) 843-7354 or hand deliver to the NPTEC offices in Lapwai. The deadline for receipt and consideration of such comments is March 30, 2018, at 4:30 p.m.

Forest Product Harvesting ~~Permit~~ Policy

GENERAL PROVISIONS

This statement pertains ~~only to Permits issued by the Nez Perce Tribal Forestry Program for the harvesting of forest products. not under a formal contract.~~ Authority for this policy is provided by 25 CFR, 163.276 (4-1-~~2011~~96 Edition) ~~Forest Product Harvesting Permits Free-use harvesting without permits, 163.26 Forest product harvesting permits,~~ and by NPTEC Resolution NP 18-____. ~~Forest product harvesting include both paid and freeuse permits. Policies for paid permits are governed by CFR 163.14, Sale of Forest Products, 163.15, Advertisement of Sales, and 163.16, Forest Products Sale with Advertisement.~~

Unless otherwise authorized by the Nez Perce Tribal Executive Committee (NPTEC) and the Secretary, Department of the Interior (~~Secretary~~) or designated Bureau of Indian Affairs representative, harvesting forest products ~~under a permit~~ will be limited to the activities and situations discussed in this policy and which are explained in further detail in sections below. ~~Harvesting permits will generally not be issued to cut products from active timber sales. Permits may be issued to harvesting products from areas where formal timber sale contracts have been officially closed by the Officer in Charge. Certain regulations shall apply. and will be clearly spelled out on the permit. Certain regulations shall apply~~

Harvesting of high value trees for low value products will not be allowed. ~~Permits shall not be issue to harvest high value tree for low value products. Except as provided under Senior Citizens and Other Programs, the individual to which the permit is issued and the physical permit itself must be present at any time forest products are being cut or transported.~~ **Harvesting of live, green trees greater than 6" diameter at the stump shall be either by formal contracts or paid permits.** Violations or misuse of any ~~permit issued~~ harvesting under this policy will result in ~~immediate revocation of the permit~~ **issuance of a civil citation** and any action taken by the Tribal ~~Court~~ **Prosecutor** in accordance with the Nez Perce Tribal ~~Law and Order~~ Code or any other applicable laws, ordinances or codes.

~~PERMITS~~ HARVEST AUTHORIZED BY THIS POLICY

Free Use Permits

1. Only enrolled members of the Nez Perce Tribe shall be authorized ~~to receive a permit from the Tribal Forestry Office,~~ to cut and remove without charge any of the forest products and quantities shown in Table I.
2. ~~Free Use Permits~~ **A Tribal ID will be required when harvesting and transporting to** ~~cut~~ forest products authorized under this section. ~~shall not exceed one year and shall expire on September 30 of each year.~~
3. ~~Authorized individual~~ **Tribal members may harvest each designated product (fire wood, poles, posts and Christmas trees** ~~each year) on an annual basis. receive only one~~

~~Free-Use Harvesting Permit per year for each designated product being harvested.
(Individuals may receive one permit for each of the products:~~

4. ~~Permits may be restricted to seasonal limitations and/or specific locations~~ **Harvesting products will be allowed from areas where formal timber sale contracts have been officially closed by the Officer-in-Charge. Harvest may be restricted to seasonal limitations and/or specific locations** at the discretion of the **Tribal** Forestry Program.
5. Schools, Churches, and other non-profit Tribal organizations may be authorized to cut, remove and distribute Christmas trees and greens under the authority of a Free-Use Permit with the approval of the **Tribal** Forestry Director.
6. Forest Products cut under ~~the Free-Use Permit~~ **this** Policy are to be for personal use only and may not be sold, traded or exchanged for other items, services or privileges of any kind, except as provided in #5 above.

Table 1. Products and Quantities Available for harvesting for **Free-Use Harvesting: Under Free Use Permits**

Product	Maximum Quantity	Douglas-fir (red fir) Ponderosa Pine Lodgepole pine Grand fir (white fir)		Western red cedar Western larch (tamarak) Other Species (except Cedar)	
		Green	Dead	Green	Dead
Corral Poles	50	not allowed permitted	allowed permitted	not allowed permitted	not allowed permitted
Tee Pee Poles (1)	50	allowed <i>see footnote</i>	allowed permitted	not allowed permitted	not allowed permitted
Posts	100	not allowed permitted	allowed permitted	not allowed permitted	not allowed permitted
Fuel Wood	10 Cords	not allowed permitted	allowed permitted	not allowed permitted	not allowed permitted
Christmas Trees (2)	5	allowed <i>see footnote</i> not permitted	N/A	not allowed permitted	N/A

(1) *May be restricted to certain areas as determined by the Tribal Forestry Program. Live trees greater than 6" diameter at the stump shall not be cut.*

(2) *To help meet management objectives Christmas tree harvesting may be restricted to areas designated by the Tribal Forestry Program. Trees larger than a 6" diameter at the stump shall not be cut.*

Paid Timber Cutting Permits

Timber harvest through paid timber cutting permits is authorized through CFR 163.26, *Forest Product Harvesting Permits*. Paid permits are applicable when estimated stumpage value is less than \$25,000. When the estimated stumpage value is greater than \$25,000, a formal timber sale contract is required.

For Paid Permits with an estimated value greater than \$20,001 and less than \$25,000, Tribal Forestry shall advertise the sale for written bids. For sales with an estimated value between \$5,001 and \$20,000, Tribal Forestry shall obtain written bids. For sales with an estimated value of between \$1,000 and \$5,000, Tribal Forestry shall obtain telephone bids. Where estimated stumpage value is less than \$1,000, Tribal Forestry may negotiate with contractors to perform the work.

The Superintendent and Tribal Chairman, or ~~their~~ **his/her delegate delegates**, shall authorize all Paid Timber Cutting Permits.

Senior Citizen and Other Programs (SCOP)

~~The Nez Perce Tribe, with support from the Energy Assistance Program, provides fuelwood to tribal families meeting specific criteria. Delivery of wood for individuals is authorized annually through appropriations from the Tribe to the Seniors Wood Program. The following policies and procedures will guide firewood cutting and delivery under this program to insure accountability for wood harvested and delivered.~~

- ~~1. The Social Services Program will provide Tribal Forestry with an annual list of qualified individuals that are eligible to receive firewood. This list will be continually updated as applicants are approved.~~
- ~~2. Tribal forestry will contract with wood vendors to deliver two cords of firewood per authorized recipient.~~
- ~~3. Upon delivery of the appropriate quantity of firewood to the authorized recipient, the vendor certifying delivery will obtain a signature of the recipient.~~
- ~~4. Those individuals receiving wood will verify the wood has been delivered in a satisfactory manner before payment is processed.~~
- ~~5. A vendor shall not hold a free or paid firewood permit while operating as a vendor for delivery of SCOP firewood.~~
- ~~6. The amount of wood delivered is based on the annual appropriations of NPTEC.~~

APPROVAL

This ~~Permit~~ **Forest Product Harvest** Policy is approved by NPTEC Resolution NP 18-_____